



CIRCUIT COURT

STATE OF TENNESSEE

TENTH JUDICIAL DISTRICT

CARROLL L. ROSS
CIRCUIT JUDGE, PART III
(423) 744-2835

March 30, 2004

130 E. WASHINGTON AVE., STE. 3
P.O. BOX 1356
ATHENS, TENNESSEE 37371-1356

FILED

APR 08 2004

Clerk of the Courts

The Honorable Frank F. Drowota, III
Chief Justice Tennessee Supreme Court
401 Seventh Ave, N., Ste. # 318
Supreme Court Building
Nashville, Tennessee 37219-1407

RE: Recommendations of the Judicial Rule 13 Committee

Dear Chief Drowota:

Enclosed herewith you will find the recommendations of the Judicial Rule 13 Committee.

It is my understanding, based on our earlier conversation, that you will pass this information to all appropriate parties who are concerned with this issue.

Our committee also considered the issue of how to handle conflicts within the public defender's office, but for now we have deferred this question to enable us to obtain further information that will assist us in addressing this problem.

Should you need further information concerning these recommendations, please feel free to contact me.

Very truly yours,

CARROLL L. ROSS
Chairman,
Judicial Rule 13 Committee

/clr

cc: Connie Clark, AOC
All Members of Judicial Rule 13 Committee

RECOMMENDATIONS OF THE JUDICIAL RULE 13 COMMITTEE

1. The Judicial Rule 13 Committee opposes the creation of a Commission to determine indigent fees.
2. The Judicial Rule 13 Committee opposes all ex parte hearings unless such hearings are constitutionally mandated.
3. The Judicial Rule 13 Committee recommends that the Public Defender's Office shall be appointed in all cases unless, in the sound discretion of the trial judge, appointment of other counsel is necessary.
4. The Judicial Rule 13 Committee is in favor of reasonable caps on over-all amounts being paid for expert and investigative services.
5. The Judicial Rule 13 Committee takes a position that all elected Public Defenders and their assistants who are otherwise qualified should be required to complete all appropriate certification procedures that would enable them to handle capital cases.
6. The Judicial Rule 13 Committee is in favor of reconsidering the certification requirements to allow attorneys who have participated in the trial of a capital cases either as a prosecutor or as a judge to be certified as qualified to defend capital cases.
7. The Judicial Rule 13 Committee recommends that there be a 150-mile-radius exception to the instate or contiguous state rule included in §5(b)(2) of proposed Rule 13.